

CJ

**IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND**

**STATE OF MARYLAND,**

**v.**

**NORRIS ELLIS,**

**Defendant**

**CRIMINAL NO.: C10CR21000535**

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**MOTION FOR REMOVAL OF TRIAL FROM FREDERICK COUNTY TO  
MONTGOMERY COUNTY**

Comes now the Defendant, Norris Ellis, by and through undersigned counsel, Isabelle Raquin, and the Law Offices of RaquinMercer LLC, and pursuant to Maryland Rule 4-254(b), respectfully requests that this Honorable Court removes the above-captioned case from the Circuit Court of Frederick County and transfers it to the Circuit Court of Montgomery County. In support of this motion, the Defendant states:

1. On September 29, 1982, Mr. Ellis was charged with Second-Degree Rape, Robbery, and Kidnapping, all of which occurred in Frederick County. He received a sentence of 50 years for these charges and was released on parole in 2013.

2. On August 24, 2021, Mr. Ellis was indicted on three counts: First-Degree Rape, First-Degree Assault, and Second-Degree Assault, for an incident which occurred on July 4, 2021, in Frederick County, Maryland.

3. This above-captioned case has received substantial media, internet, and newspaper coverage, all of which have indicated the brutal nature of the crime that Mr. Ellis has been accused of, as well as his history as a sexual offender. The crime occurred in downtown Frederick.

4. Given the significant media coverage surrounding Mr. Ellis and this case, the location of the offense, and the relatively small population of both the City of Frederick and Frederick County, there is significant risk that potential jurors will have already been exposed to news stories concerning the serious allegations against Mr. Ellis in this case, and will already be familiar with the location where the offense took place.

5. The extensive news coverage that was generated in this case, in addition to the large proportion of the Frederick County population residing in the City of Frederick, both indicate that there is significant risk that potential jurors will have already been exposed to news stories concerning the serious allegations against Mr. Ellis in this case, and that Mr. Ellis will be unable to receive a fair and impartial jury trial in Frederick County Circuit Court.

6. Md Rule 4-254(b) states that in the case where “either party files a suggestion under oath that the party cannot have a fair and impartial trial in the court in which the action is pending, the court shall order the action to be transferred for trial to another court having jurisdiction only if the court is satisfied that the suggestion is true or that there is reasonable ground for it”.

7. Undersigned counsel is aware of several news stories published in the Frederick News-Post “Convicted Rapist in Custody After Alleged July 4 Rape” (publication date unknown) (Exhibit A, Newspaper Clipping of Mr. Ellis’ Case) “Frederick Police Arrest Rape Suspect”<sup>1</sup> (Jul 23, 2021), “Police seek help in identifying suspect in downtown rape”<sup>2</sup> (Jul 7, 2021), “Previously convicted rapist in custody for alleged rape in downtown Frederick”<sup>3</sup> (Aug 5, 2021), and “Grand jury indicts local men on charges of child abuse, rape, burglary”<sup>4</sup> (Aug 24, 2021) and a News Flash issued on the City of Frederick’s Police News Webpage (“FPD makes arrest in downtown rape case”<sup>5</sup> (July 23, 2021)). Another news agencies, Local DVM, also published a story titled “Suspect arrested for rape in Frederick”<sup>6</sup> (July 23, 2021).

8. Additionally, 930 WFMD Free Talk published news stories on Mr. Ellis titled “Walkersville Man Charged with Rape Extradited to Frederick” <sup>7</sup>(August 5, 2021) and “Suspect in Downtown Frederick Rape Arrested in Tennessee” <sup>8</sup> (July 23, 2021). The former 930 WFMD Free Talk article was re-posted onto a public Facebook Webpage affiliated with site<sup>9</sup>. There was also an additional blog-post about Mr. Ellis titled “Walkersville Person Billed With Rape Extradited To Frederick” <sup>10</sup>(August 6, 2021). WTOP News also wrote a news article in July titled “Frederick Co. man arrested, charged with raping woman on July 4” <sup>11</sup>(July 23, 2021). The Law Offices of Todd K. Mohink, PA also released a blog post on its website entitled “Fredrick County Man Arrested for Rape” <sup>12</sup> (August 25, 2021), which goes over the circumstances of Mr. Ellis’ case and the events leading to his arrest. Other sites, such as World News, re-published the story from WTOP entitled “Frederick Co. man arrested, charged with raping woman on July 4” <sup>13</sup> (July 23, 2021).

9. Given the relatively large proportion of Frederick County that resides in the City of Frederick (out of the entire 268,755 population of Frederick County<sup>14</sup>, around 72,842 individuals of that population reside in the City of Frederick<sup>15</sup>), and the fact that it is the only major city in Frederick County, there will be a substantial likelihood that potential jurors will recognize the street names and the establishments referenced in this case. It will create a fear factor that prejudices the outcome of the case.

10. Given the facts of this case, the relatively significant amount of media and public attention surrounding this case, and the population distribution of Frederick County, it is unlikely Mr. Ellis will be able to be tried by a “fair and impartial jury” of his peers. Thus, for the purpose of eliciting a fair trial, undersigned counsel respectfully requests that the venue for Mr. Ellis’ trial be changed to Montgomery County, Maryland.

11. Pursuant to Maryland Constitution, Art. 4, § 19. Judicial circuits, Montgomery County and Frederick County are in the same judicial district, the 6th judicial circuit.

**WHEREFORE**, the Defendant respectfully requests that the above-captioned case be removed from Frderick County and be transferred to Montgomery County.

Respecftully sumbitted,

RaquinMercer LLC

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**SUGGESTION UNDER OATH**

Undersigned counsel, pursuant to Maryland Rule 4-254(b), files this suggestion under oath that Mr. Ellis cannot have a fair and impartial trial in the court in which the action is pending.

Respectfully submitted,

By: Isabelle Raquin  
Isabelle Raquin #1112150040

## REFERENCES

- [1] Mary Grace Keller, *Frederick police arrest rape suspect*, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/frederick-police-arrest-rape-suspect/article\\_c5d1dffe-0fd7-5435-93ff-6de26b80e606.html](https://www.fredericknewspost.com/news/crime_and_justice/frederick-police-arrest-rape-suspect/article_c5d1dffe-0fd7-5435-93ff-6de26b80e606.html), Jul 23, 2021, The Frederick News Post.
- [2] Ryan Marshall, *Police seek help in identifying suspect in downtown rape*, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/police-seek-help-in-identifying-suspect-in-downtown-rape/article\\_7224e1ca-0e49-5d3d-bca2-5f5ab44614b4.html](https://www.fredericknewspost.com/news/crime_and_justice/police-seek-help-in-identifying-suspect-in-downtown-rape/article_7224e1ca-0e49-5d3d-bca2-5f5ab44614b4.html), Jul 7, 2021, The Frederick News Post.
- [3] Mary Grace Keller, *Previously convicted rapist in custody for alleged rape in downtown Frederick*, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/previously-convicted-rape-in-custody-for-alleged-rape-in-downtown-frederick/article\\_0184b9eb-f10f-579b-a7bb-53a50ecd1685.html](https://www.fredericknewspost.com/news/crime_and_justice/previously-convicted-rape-in-custody-for-alleged-rape-in-downtown-frederick/article_0184b9eb-f10f-579b-a7bb-53a50ecd1685.html), Aug 5, 2021, The Frederick News Post.
- [4] Mary Grace Keller, *Grand jury indicts local men on charges of child abuse, rape, burglary*, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/grand-jury-indicts-local-men-on-charges-of-child-abuse-rape-burglary/article\\_06fe6458-c8ff-5cb3-840e-5787c4f7e4e5.html](https://www.fredericknewspost.com/news/crime_and_justice/grand-jury-indicts-local-men-on-charges-of-child-abuse-rape-burglary/article_06fe6458-c8ff-5cb3-840e-5787c4f7e4e5.html), Aug 24, 2021, The Frederick News Post.
- [5] City of Frederick, *FPD makes arrest in downtown rape case*, <https://www.cityoffrederickmd.gov/civicalerts.aspx?aid=6745>, July 23, 2021.
- [6] Cheyenne Corin, *Suspect arrested for rape in Frederick*, <https://www.localdvm.com/news/maryland/suspect-arrested-for-rape-in-frederick/>, Jul 23, 2021, Local DVM.
- [7] Kevin McManus, *Walkersville Man Charged With Rape Extradited To Frederick*, <https://www.wfmd.com/2021/08/05/walkersville-man-charged-with-rape-extradited-to-frederick/>, August 5, 2021, WFMD-AM Free Talk.
- [8] Kevin McManus, *Suspect In Downtown Frederick Rape Arrested In Tennessee*, <https://www.wfmd.com/2021/07/23/suspect-in-downtown-frederick-rape-arrested-in-tennessee/>, July 23, 2021, WFMD-AM Free Talk.
- [9] Facebook, *Walkersville Man Charged With Rape Extradited To Frederick*, <https://ne-np.facebook.com/930WFMD/posts/walkersville-man-charged-with-rape-extradited-to-frederick/4390108861045313/> (last accessed December 27, 2021).
- [10] Kevin McManus, *Walkersville Person Billed With Rape Extradited To Frederick*, <https://www.frederick-daily.com/blog/2021/08/06/walkersville-person-billed-with-rape-extradited-to-frederick/>, August 6, 2021, Frederick Daily.

[11] Julie Gallagher, *Frederick Co. man arrested, charged with raping woman on July 4*, <https://wtop.com/frederick-county/2021/07/frederick-co-man-arrested-charged-with-raping-woman-on-july-4/>, July 23, 2021

[12] Todd K. Mohink, PA, *Fredrick County Man Arrested For Rape*, <https://www.marylandlawhelp.com/fredrick-county-man-arrested-for-rape/>, August 25, 2021, The Law Offices of Todd K. Mohink, PA.

[13] The World News, *Frederick Co. man arrested, charged with raping woman on July 4*, <https://theworldnews.net/us-news/frederick-co-man-arrested-charged-with-raping-woman-on-july-4> (last accessed December 27, 2021).

[14] World Population Review, *Frederick County, Maryland Population 2021*, <https://worldpopulationreview.com/us-counties/md/frederick-county-population> (Last accessed December 28, 2021)

[15] World Population Review, *Frederick, Maryland Population 2021*, <https://worldpopulationreview.com/us-cities/frederick-md-population> (Last accessed December 28, 2021)

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 29<sup>th</sup> day of December 2021, I caused a copy of the foregoing Motion for Removal of Trial to be served upon the following person(s):

Office of the State's Attorney  
Frederick County  
100 W. Patrick Street  
Frederick, MD 21701

By:



Isabelle Raquin #1112150040